

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CR-170
)	(JORDAN/SHIRLEY)
FERNANDO TIJERINA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter came before the undersigned on August 1, 2007, for a scheduled detention hearing. Assistant United States Attorney Tracee Plowell was present representing the government. Attorney Brian Hunt was present representing Defendant Tijerina, who was also present.

In the Court's oral ruling, a complete review and analysis of the parties' positions, issues, and facts were stated. That specific and detailed oral ruling is attached hereto and made a part of this Order as if stated herein verbatim.

For the reasons stated therein, I find, pursuant to 18 U.S.C. § 3142, that (1) the government has met the burden of establishing by a preponderance of the evidence that Defendant is a flight risk and a risk not to appear as required if released, and (2) the government has not met the burden of establishing by clear and convincing evidence that Defendant Tijerina's release would pose a danger to the community. Furthermore, the Court finds that there are no conditions or combination of conditions of release that would reasonably assure the Court that Defendant would appear as ordered.

It is therefore **ORDERED** that Defendant, Fernando Tijerina, be detained. Defendant will be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate to the extent practicable from persons awaiting sentencing or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of this Court or a Court of the United States or upon request of the attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshals for the purpose of an appearance in connection with a Court proceeding.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge